

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

GREGG SMITH,
MICHAEL NOWAK,
JEFFREY RUFFO, and
CHRISTOPHER JORDAN,

Defendants.

Case No. 19-cr-00669

Hon. Edmond E. Chang

**DEFENDANTS' JOINT MOTION TO DISMISS
THE INDICTMENT AND TO STRIKE SURPLUSAGE**

Pursuant to Fed. R. Crim. P. 12(b) and 7(d), Defendants Gregg Smith, Michael Nowak, Jeffrey Ruffo, and Christopher Jordan hereby jointly move to dismiss Counts One, Two (in part), and Three through Fourteen and to strike prejudicial surplusage in Paragraphs 40 and 41 of the Superseding Indictment ("Indictment"). (ECF No. 52.) The bases for this Motion are set forth in the accompanying Memorandum of Law in Support of Joint Motion to Dismiss the Indictment and to Strike Surplusage, filed contemporaneously with the Motion.

WHEREFORE, for the reasons set forth in Defendants' Memorandum, the Court should dismiss Counts One, Two (in part), and Three through Fourteen and strike the prejudicial surplusage in Paragraphs 40 and 41 of the Indictment.

Dated: February 28, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2020, I caused a copy of the foregoing JOINT MOTION TO DISMISS THE INDICTMENT AND TO STRIKE SURPLUSAGE to be filed with the Clerk of the Court through the CM/ECF system, which will provide notice of the filing to all counsel of record.

/s/ David Meister

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